

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JERMAINE WALKER,)	
)	
Plaintiff,)	No. 08 C 1542
)	
v.)	Honorable Elaine E. Bucklo
)	Judge Presiding
ERIC MICHAELEK, et al.)	
)	
Defendants.)	

LOCAL RULE 56.1 FILING

NOW COME the Defendants, and pursuant to Local General Rule 56.1, file the following materials referred to in his Rule 56 Motion for Summary Judgment:

LOCAL RULE 56.1(a)(1) FILING

1. Affidavit of Amy Eldert, Records Office Supervisor, with attached exhibits of grievance documents (Exhibits A1-A6). Exhibit A.
2. Affidavit of Melody Ford, Administrative Review Board Chairperson. Exhibit B.

LOCAL RULE 56.1(a)(3)(A) FILING

1. JERMAINE WALKER, Plaintiff, is an inmate in the custody of the Illinois Department of Corrections and is currently incarcerated at Hill Correctional Center. At all times material to the allegations made in his Complaint, Plaintiff was incarcerated at Stateville Correctional Center. Plaintiff brings this action against the Defendants, alleging that his “civil rights” were violated when Defendants interfered with and delayed his “legal mail” from the “Supreme Court” and U.S. District Court in May and June, 2007. Plaintiff also alleges that his “legal mail” from the courts was opened and read outside of his presence.
2. Defendant LUCE was, at the time of the alleged violation, a Corrections Counselor at

Stateville Correctional Center. He is being sued because the Plaintiff alleges that he, as a Corrections Counselor, was made aware that Plaintiff's "legal mail" was being interfered with and delayed. Defendant Luce denies violating Plaintiff's constitutional rights.

3. Defendant MANSFIELD was, at the time of the alleged violation, a Corrections Counselor at Stateville Correctional Center. He is being sued because the Plaintiff alleges that he, as a Corrections Counselor, was made aware that Plaintiff's "legal mail" was being interfered with and delayed. Defendant Mansfield denies violating Plaintiff's constitutional rights.
4. Defendant MICHAELEK was, at the time of the alleged violation, a Correctional Officer at Stateville Correctional Center. He is being sued because Plaintiff alleges he was a Legal Mail Officer and opened and read Plaintiff's "legal mail" outside of Plaintiff's presence. Plaintiff also alleges that Defendant Michaeliek read Plaintiff's letter to the U.S. District Court, and wrote an unfounded disciplinary report against Plaintiff while Plaintiff was in segregation. Defendant Michaeliek denies violating Plaintiff's constitutional rights.
5. Defendant GARCIA was, at the time of the alleged violation, a Grievance Officer at Stateville Correctional Center. He is being sued because Plaintiff alleges Defendant Garcia violated his due process rights by not investigating Plaintiff's grievance in connection with a disciplinary report. Defendant Garcia denies violating Plaintiff's constitutional rights.

LOCAL RULE 56.1(a)(3)(B)

1. This Complaint is brought under 42 U.S.C. § 1983 and constitutes a federal question thereby invoking the jurisdiction of this Court under 28 U.S.C. § 1343.
2. The allegations contained in the Complaint occurred at Stateville Correctional Center in Joliet, Illinois, which lies within the venue of the United States District Court for the Northern District of Illinois, Eastern Division.

3. Neither jurisdiction nor venue are contested by the parties.
4. Plaintiff, Jermaine Walker, was incarcerated within the Illinois Department of Corrections at Stateville Correctional Center in May - June, 2007. (*See* Plaintiff's Complaint).
5. Plaintiff was incarcerated within the Illinois Department of Corrections at Hill Correctional Center when he filed his Complaint in this matter on or about April 21, 2008 (*See* Plaintiff's Complaint).
6. The Illinois Department of Corrections has a formal grievance procedure for inmates. (*See* Exhibit B, Affidavit of Melody Ford).
7. The final step in the administrative grievance procedure is an appeal to the Director, or his designee, the Administrative Review Board. Once a final decision is made by the Administrative Review Board, a copy of its report and the Director's final decision is sent to the grieving inmate, and the originals of these documents are maintained in the ARB's files. (*See* Exhibit B, Affidavit of Melody Ford).
8. A search of the records of the Illinois Department of Corrections Office of Inmate Issues on behalf of the Administrative Review Board has been performed and has located no grievance appeals relating to interference with or delay of Plaintiff's legal mail. (*See* Exhibit B, Affidavit of Melody Ford).
9. A search of Plaintiff's inmate master file, located at Hill Correctional Center, has turned up seven grievances related to the legal mail issue alleged in the Complaint which were submitted by Plaintiff from June through October, 2007. (*See* Exhibit A, Affidavit of Amy Eldert).
10. Plaintiff's grievance dated June 13, 2007, complaining that his mail was delayed and tampered with, was not submitted to the Grievance Officer after Plaintiff received a response

from his counselor. Plaintiff therefore failed to exhaust his administrative remedies as to this grievance. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A1, grievance documents in connection with the June 13, 2007 grievance).

11. Plaintiff's grievance dated June 25, 2007, complaining that his mail was delayed and interfered with, was not submitted to the Grievance Officer after Plaintiff received a response from his counselor. Plaintiff therefore failed to exhaust his administrative remedies as to this grievance. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A2, grievance documents in connection with the June 25, 2007 grievance).
12. Plaintiff's grievance dated July 4, 2007, complaining that his "legal mail" from courts was opened and read outside of his presence, was submitted for emergency review by Plaintiff after Plaintiff received a response from his counselor. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A3, grievance documents in connection with the July 4, 2007 grievance).
13. Emergency review of the July 4, 2007 grievance was denied by the Chief Administrative Officer, and thereafter Plaintiff submitted the grievance to the Grievance Officer. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A3, grievance documents in connection with the July 4, 2007 grievance).
14. The Grievance Officer denied Plaintiff's grievance, and thereafter the Chief Administrative Officer concurred with the denial. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A3, grievance documents in connection with the July 4, 2007 grievance).
15. Plaintiff failed to appeal the decision to the Director (the Administrative Review Board) as evidenced by the September 1, 2007 Grievance Officer's Report, which shows a blank signature line in the box labeled "Committed Person's Appeal To The Director." Plaintiff

therefore failed to exhaust his administrative remedies as to this grievance. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A3, grievance documents in connection with the July 4, 2007 grievance; *see also* Exhibit B, Affidavit of Melody Ford).

16. Plaintiff's grievance dated July 24, 2007, complaining that his "legal mail" from courts was opened and read outside of his presence, was responded to by Plaintiff's counselor. Plaintiff then submitted the grievance to the Grievance Officer. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A3, grievance documents in connection with the July 24, 2007 grievance).
17. The Grievance Officer denied Plaintiff's grievance, and thereafter the Chief Administrative Officer concurred with the denial. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A3, grievance documents in connection with the July 24, 2007 grievance).
18. Plaintiff failed to appeal the decision to the Director (the Administrative Review Board) as evidenced by the September 1, 2007 Grievance Officer's Report, which shows a blank signature line in the box labeled "Committed Person's Appeal To The Director." Plaintiff therefore failed to exhaust his administrative remedies as to this grievance. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A3, grievance documents in connection with the July 23, 2007 grievance; *see also* Exhibit B, Affidavit of Melody Ford).
19. Plaintiff's grievance dated September 4, 2007, complaining about interference with his mail from the court, was responded to by Plaintiff's counselor. Plaintiff submitted the grievance to the Grievance Officer. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A4, grievance documents in connection with the September 4, 2007 grievance).
20. The Grievance Officer denied Plaintiff's grievance, and thereafter the Chief Administrative Officer concurred with the denial. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment

- A4, grievance documents in connection with the September 4, 2007 grievance).
21. Plaintiff failed to appeal the decision to the Director (the Administrative Review Board) as evidenced by the October 30, 2007 Grievance Officer's Report, which shows a blank signature line in the box labeled "Committed Person's Appeal To The Director." Plaintiff therefore failed to exhaust his administrative remedies as to this grievance. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A4, grievance documents in connection with the September 4, 2007 grievance; *see also* Exhibit B, Affidavit of Melody Ford).
 22. Plaintiff's grievance dated September 10, 2007, complaining that his incoming mail from the court was delayed, was responded to by Plaintiff's counselor. Plaintiff submitted the grievance to the Grievance Officer. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A5, grievance documents in connection with the September 10, 2007 grievance).
 23. The Grievance Officer denied Plaintiff's grievance, and thereafter the Chief Administrative Officer concurred with the denial. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A5, grievance documents in connection with the September 10, 2007 grievance).
 24. Plaintiff failed to appeal the decision to the Director (the Administrative Review Board) as evidenced by the October 26, 2007 Grievance Officer's Report, which shows a blank signature line in the box labeled "Committed Person's Appeal To The Director." Plaintiff therefore failed to exhaust his administrative remedies as to this grievance. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A5, grievance documents in connection with the September 10, 2007 grievance; *see also* Exhibit B, Affidavit of Melody Ford).
 25. Plaintiff's grievance dated October 26, 2007, complaining that his mail from the court was interfered with, was responded to by Plaintiff's counselor. Plaintiff submitted the grievance to the Grievance Officer. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A6,

- grievance documents in connection with the October 26, 2007 grievance).
26. The Grievance Officer denied Plaintiff's grievance, and thereafter the Chief Administrative Officer concurred with the denial. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A6, grievance documents in connection with the October 26, 2007 grievance).
 27. Plaintiff failed to appeal the decision to the Director (the Administrative Review Board) as evidenced by the January 3, 2008 Grievance Officer's Report, which shows a blank signature line in the box labeled "Committed Person's Appeal To The Director." Plaintiff therefore failed to exhaust his administrative remedies as to this grievance. (*See* Exhibit A, Affidavit of Amy Eldert and Attachment A6, grievance documents in connection with the October 26, 2007 grievance; *see also* Exhibit B, Affidavit of Melody Ford).
 28. Plaintiff failed to exhaust his administrative remedies as to all seven of these grievances according to the policy and procedure established by the Illinois Department of Corrections. (*See* Exhibits A and B).

Respectfully submitted,

s/Lea T. Nacca
LEA T. NACCA
Assistant Attorney General
General Law Bureau
100 W. Randolph Street, 13th Floor
Chicago, IL 60601
(312) 814-4491

EXHIBIT A

STATE OF ILLINOIS)
)
COUNTY OF KNOX)

AFFIDAVIT

I, Amy Eldert, having first been duly sworn upon oath, state that I have personal knowledge of the facts set forth herein, that I am competent to testify and if called to testify would state as follows:

1. I am currently employed as the Records Office Supervisor at Hill Correctional Center, a level 2 facility within the Illinois Department of Corrections.

2. As Records Office Supervisor, it is my responsibility, among other things, to ensure the maintenance and accuracy of inmate master files for inmates housed at Hill Correctional Center.

3. At the request of the Office of the Attorney General, I searched the master file of Inmate Jermaine Walker, B-52757, for any grievances filed by him complaining about interference with or delay of legal mail at Stateville or Pontiac Correctional Centers in 2007. The following grievances were located:

- a) Plaintiff filed a grievance on June 13, 2007 complaining that his mail was delayed and tampered with. Plaintiff's Counselor responded to his grievance on June 15, 2007. **Thereafter, Plaintiff failed to appeal the Counselor's response to the Grievance Officer.** Grievance documents in connection with this grievance are attached as Exhibit A1.
- b) Plaintiff filed a grievance on June 25, 2007 complaining that his mail was delayed and interfered with. Plaintiff's Counselor responded to his grievance on July 12, 2007. **Thereafter, Plaintiff failed to appeal the Counselor's response to a Grievance Officer.** Grievance documents in connection with this grievance are attached as Exhibit A2.
- c) Plaintiff filed a grievances on July 4, 2007 and July 24, 2007 complaining that his "legal mail" from courts was opened and read outside of his presence. Plaintiff's Counselor responded to his July 4, 2007 grievance on July 20, 2007, and emergency review of that grievance was denied by the Chief Administrative Officer on July 17, 2007. Plaintiff's Counselor responded to the July 24, 2007 grievance on July 30, 2007. These grievances were appealed to the Grievance Officer, who denied both grievances. Plaintiff appealed the denial to the Chief Administrative Officer, who also denied the grievances. **Plaintiff failed to appeal the grievances to the Administrative Review Board.** Grievance documents in connection with these grievances are attached as Exhibit A3.


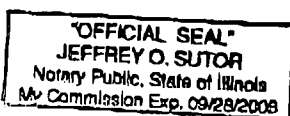
- d) Plaintiff filed a grievance on September 4, 2007 complaining about interference with his mail from the court. Plaintiff's Counselor responded to the grievance on September 7, 2007. Plaintiff appealed the grievance to the Grievance Officer, who denied it on October 30, 2007. Plaintiff appealed the denial to the Chief Administrative Officer, who also denied the grievance on October 31, 2007. **Plaintiff failed to appeal the grievance to the Administrative Review Board.** Grievance documents in connection with this grievances are attached as Exhibit A4.
- e) Plaintiff filed a grievance on September 10, 2007 complaining that his incoming mail from the court was delayed. Plaintiff's Counselor responded to the grievance on September 13, 2007. Plaintiff appealed the grievance to the Grievance Officer, who denied it on October 26, 2007. Plaintiff appealed the denial to the Chief Administrative Officer, who also denied the grievance on October 31, 2007. **Plaintiff failed to appeal the grievance to the Administrative Review Board.** Grievance documents in connection with this grievances are attached as Exhibit A5.
- f) Plaintiff filed a grievance on October 26, 2007 complaining that his mail from the court was interfered with. Plaintiff's Counselor responded to the grievance on October 31, 2007. Plaintiff appealed the grievance to the Grievance Officer, who denied it on January 3, 2008. Plaintiff appealed the denial to the Chief Administrative Officer, who also denied the grievance on January 14, 2008. **Plaintiff failed to appeal the grievance to the Administrative Review Board.** Grievance documents in connection with this grievances are attached as Exhibit A6.

I have read the foregoing paragraphs and they are true and correct to the best of my knowledge and belief.



Amy Eldert

Subscribed and sworn to before me
this 20 day of June, 2008.


Notary Public

ATTACHMENT A1

Date: <u>6/13/07</u>	Committed Person: <u>JERMAINE WALKER</u> (Please Print)	ID#: <u>B50757</u>
Present Facility: <u>Stateville (N.R.C.)</u>	Facility where grievance issue occurred: <u>Stateville (N.R.C.)</u>	

NATURE OF GRIEVANCE:

☐ Personal Property ☒ Mail Handling ☐ Restoration of Good Time ☐ Disability
☒ Staff Conduct ☐ Dietary ☐ Medical Treatment ☐ Other (specify): _____
☐ Transfer Denial by Facility ☐ Transfer Denial by Transfer Coordinator
☐ Disciplinary Report: _____
Date of Report Facility where issued

Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.

Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to:
 Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board.
 Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor.
 Chief Administrative Officer, only if EMERGENCY grievance.
 Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.

Brief Summary of Grievance: Why on 6/13/07, I received 3 letters from Sherene Whitfield, Nashville, TN. 37203, and post marked on 5/29/07? Evidently, this proof that my mail is being mishandled, for this is a total of 15 days, and it shouldn't take that long for me to get my mail from the post marked date, for I've been receiving my mail on average 4-5 days from post marked date.
Previously, my normal mail, legal mail,

Relief Requested: FOR EVERY PERSONNEL AND STAFF, WHO HAD RESPONSIBILITIES FOR MY MAIL HANDLING, AND TO BE ALL CHARGED WITH FEDERAL OFFENSES.

☐ Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.

Committed Person's Signature _____ ID# _____ Date _____
 (Continue on reverse side if necessary)

Counselor's Response (if applicable)		
Date Received: <u>6.15.07</u>	<input type="checkbox"/> Send directly to Grievance Officer <input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277	
Response: <u>The Mailroom is behind in processing mail due to staff shortage. Packages take longer than letters to process. All mail is delivered as quickly as possible.</u>		
David Mansfield, CEI	David Mansfield, CEI	6.15.07
Print Counselor's Name	Counselor's Signature	Date of Response

EMERGENCY REVIEW	
Date Received: _____	Is this determined to be of an emergency nature? <input type="checkbox"/> Yes; expedite emergency grievance <input type="checkbox"/> No; an emergency is not substantiated. Committed person should submit this grievance in the normal manner.
Chief Administrative Officer's Signature _____	Date _____

and priority express mail have been tampered and delayed
incoming and outgoing.

ATTACHMENT A2

ILLINOIS DEPARTMENT OF CORRECTIONS
COMMITTED PERSON'S GRIEVANCE

Date: <u>6/25/07</u>	Committed Person: (Please Print) <u>JERMAINE WALKER</u>	ID#: <u>B52757</u>
Present Facility: <u>(N.R.C.) Stateville</u>	Facility where grievance issue occurred: <u>(N.R.C.) Stateville</u>	
NATURE OF GRIEVANCE: <input type="checkbox"/> Personal Property <input checked="" type="checkbox"/> Mail Handling <input type="checkbox"/> Restoration of Good Time <input type="checkbox"/> Disability <input checked="" type="checkbox"/> Staff Conduct <input type="checkbox"/> Dietary <input type="checkbox"/> Medical Treatment <input checked="" type="checkbox"/> Other (specify): <u>"LEGAL MAIL"</u> <input type="checkbox"/> Transfer Denial by Facility <input type="checkbox"/> Transfer Denial by Transfer Coordinator <input type="checkbox"/> Disciplinary Report: _____		
Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification. Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.		
Brief Summary of Grievance: <u>First of all, on 6/1/07, I mailed out a first class legal document, and placed legal mail outside the envelope to: (Criminal Division, 2630 S. California Ave., Chicago, Ill 60608).</u> <u>Evidently, (N.R.C.)'s staff are responsible for treated this letter as first class priority, for deadline purposes, but this facility failed to do their staff, titles, and duties. However, mailing my priority mail out the</u>		
Relief Requested: <u>FOR ALL N.R.C.'S CORRECTIONAL OFFICERS AND MAIL ROOM STAFF CHARGED WITH FEDERAL OFFENSES AND COMPENSATED FOR THEIR NEGLIGENCES AND MISCONDUCTS FOR THIS MALICIOUS MAIL HANDLING.</u>		
<input type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.		
Committed Person's Signature _____ ID# _____ Date _____ (Continue on reverse side if necessary)		

Date Received: <u>6, 25, 07</u>		Counselor's Response (if applicable) <input type="checkbox"/> Send directly to Grievance Officer <input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277.
Response: <u>all mail is processed as quickly as possible.</u>		
<u>David Mansfield, CCI</u> Print Counselor's Name	<u>David Mansfield, CCI</u> Counselor's Signature	<u>7, 12, 07</u> Date of Response

EMERGENCY REVIEW	
Date Received: _____	Is this determined to be of an emergency nature? <input type="checkbox"/> Yes; expedite emergency grievance <input type="checkbox"/> No; an emergency is not substantiated. Committed person should submit this grievance in the normal manner.
Chief Administrative Officer's Signature _____	Date _____

institution 6 days later from letter's date.

Nowadays, this really proves my past grievances, that (N.R.C.)'s staff and mailroom are tampering and delaying my mail. This is improper mail handling and misconduct, for this same type of incident occurred plenty times before.

ATTACHMENT A3

Date: JULY 4, 2007	Committed Person: (Please Print) JERMAINE WALKER	ID#: B52757
Present Facility: PONTIAC C.C.	Facility where grievance issue occurred: PONTIAC C.C.	
NATURE OF GRIEVANCE:		
<input type="checkbox"/> Personal Property	<input checked="" type="checkbox"/> Mail Handling	<input type="checkbox"/> Restoration of Good Time
<input checked="" type="checkbox"/> Staff Conduct	<input type="checkbox"/> Dietary	<input type="checkbox"/> Medical Treatment
<input type="checkbox"/> Transfer Denial by Facility	<input type="checkbox"/> Transfer Denial by Transfer Coordinator	<input checked="" type="checkbox"/> Other (specify): LEGAL MAIL
<input type="checkbox"/> Disciplinary Report: _____		
Date of Report: _____		Facility where issued: _____
Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.		
Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: * Counselor , unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer , only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer , only if EMERGENCY grievance. Administrative Review Board , only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.		
Brief Summary of Grievance: First and foremost, on 7/4/07, some incompetent mail room staff open and read my legal mail with out my presence. However, c/o Yunker #3474 gave me this "legal mail" open on above date.		
Legally, the mail room staff failed to comply with his or her staff, titles, and duties. Evidently, in accordance with D.R. Part 120; (120.100 Violation of Rules), (120.140 Compliance with laws and Regulations - "a and c"), (120.15 Responsibilities - "a"), so this is misconduct. (CONT.)		
Relief Requested: FOR EVERY RESPONSIBLE MAILROOM STAFF PENALIZED FOR D.R. PART 120; (120.100 VIOLATION OF RULES). TO BE FULLY COMPENSATED FOR THIS FEDERAL VIOLATION. PLUS, ALL INCOMING MAIL "LEGAL" OPEN IN FRONT OF MY PRESENCE.		
<input checked="" type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self. Jermaine Walker Committed Person's Signature ID# B52757 Date 7, 4, 2007 (Continue on reverse side if necessary)		

Counselor's Response (if applicable)	
Date Received: 7, 20, 07	<input checked="" type="checkbox"/> Send directly to Grievance Officer <input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277
Response: Refer to your orientation manual for an explanation of legal mail. Mail from Clerk of Court is not considered legal mail when incoming. J Gray Print Counselor's Name J Gray Counselor's Signature Date 7, 20, 07	

EMERGENCY REVIEW	
Date Received: 7, 17, 07	Is this determined to be of an emergency nature?
<input type="checkbox"/> Yes; expedite emergency grievance <input checked="" type="checkbox"/> No; an emergency is not substantiated. Committed person should submit this grievance in the normal manner.	
[Signature] Chief Administrative Officer's Signature Date 7, 17, 07	

COMMITTED PERSON'S GRIEVANCE (Continued)

045690

Furthermore, D.R. 525.110 - "h" clearly states, "Legal mail means mail TO and FROM the following." And "h3" clearly states, "Judge or Magistrates of ANY Court of the Illinois Court of Claims Judge." Wherefore, my mail was addressed from the Federal Court of Claims, "U.S. District Court." SEE EXHIBIT # 1 & 2.

* CHALLENGE COUNSEL RESPONSE:

First of all, in accordance with Departmental Rules of I.D.O.C. (D.R. 525.110 "h" & "h3") clearly states ANY Illinois Court of Claims Judges are considered legal mail incoming and outgoing.

Basically, the mailroom is in violation of the D.R. because my mail went from a Clerk of the Circuit Court, it's from Federal Court of Claims, U.S. District Court, Northern District of Illinois.

See * (D.R. 525.110 "h" & "h3") and paragraph 3 of this grievance.

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	ELAINE E. BUCKLO	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 3083	DATE	6/28/07
CASE TITLE	Jermaine Walker (B-52757) v. Terry McCann, et al.		

DOCKET ENTRY TEXT:

Plaintiff Jermaine Walker's motion for leave to file his complaint *in forma pauperis* [9] is granted. The court authorizes Stateville Correctional Center officials to deduct \$51.00 from plaintiff's account. The clerk shall send a copy of this order to the trust fund account officer at Stateville Correctional Center. Plaintiff's motion for the appointment of counsel [8] is denied without prejudice. Plaintiff may proceed with his amended complaint [12] and his claims against defendants Terry McCann, Mark Hosey, and Phillip Michel. The clerk shall issue summonses for service of the amended complaint on the defendants. The clerk shall send to plaintiff Instructions for Submitting Documents with a copy of this order. The United States Marshals Service is appointed to serve defendants. To the extent plaintiff's letter to the court [14] can be construed as a motion seeking leave to file an amended complaint, the motion is denied as unnecessary. See Fed. R. Civ. P. 15(a). Status hearing set for 9/7/07 at 10:00 a.m.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff, Jermaine Walker, currently in custody at the Stateville Correctional Center, has filed a civil rights amended complaint pursuant to 42 U.S.C. § 1983 naming as defendants Stateville officials Terry McCann, Mark Hosey, and Phillip Michel. The amended complaint supersedes the original complaint, and the court will consider only the claims and parties listed in an amended complaint. Plaintiff claims that he was unfairly disciplined for refusing to cut his dreadlocks and that he was forced to cut his hair against his religious beliefs. He also contends that prison officials tampered with his legal mail.

The court finds that plaintiff is unable to prepay the filing fee and grants his motion to file his complaint *in forma pauperis*. Pursuant to 28 U.S.C. § 1915(b)(1), plaintiff is assessed an initial partial filing fee of \$51.00. The supervisor of inmate trust accounts at Stateville Correctional Center is authorized to collect, when funds exist, the partial filing fee from plaintiff's trust fund account and pay it directly to the clerk of court. After payment of the initial partial filing fee, the trust fund officer at the correctional facility where plaintiff is confined is authorized to collect monthly payments from plaintiff's trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments collected from plaintiff's trust fund account shall be forwarded to the clerk of court each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. All payments shall be sent to the Clerk, United States District Court, 219 S. Dearborn St., Chicago, IL 60604, 20th floor, and shall clearly identify plaintiff's name and the case number assigned to this action. The Stateville Correctional Center inmate trust account office shall notify state correctional authorities of any outstanding balance in the event plaintiff is transferred to another state correctional facility.

(CONTINUED)

isk

745690

Date: JULY 24, 2007 **Committed Person:** JERMAINE WALKER **ID#:** B52757

Present Facility: PONTIAC C.C. **Facility where grievance issue occurred:** PONTIAC C.C.

NATURE OF GRIEVANCE:

☐ Personal Property ☒ Mail Handling ☐ Restoration of Good Time ☐ Disability

☒ Staff Conduct ☐ Dietary ☐ Medical Treatment ☒ Other (specify): **LEGAL MAIL**

☐ Transfer Denial by Facility ☐ Transfer Denial by Transfer Coordinator

☐ Disciplinary Report: _____ Date of Report _____ Facility where issued _____

Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.

Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to:

Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board.

Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor.

Chief Administrative Officer, only if EMERGENCY grievance.

Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.

Brief Summary of Grievance: On the above date, this C/O Lindsay #5442 gave me my State of Illinois, Court of Claims mail as regular mail. Basically, this is mail misconduct, and this same incident occurred on grievance filed 7/4/07. In other words, my "Legal mail" was read and opened without my presence. Lt. Scrogum #3364 was also notified, but he failed to adhere to this violation. Legally, in accordance with Pontiac C.C., Offender Orientation Manual P. 20, clearly specify my incoming mail from Court of Claims of Illinois shall be processed as "Legal" (Cont.)

Relief Requested: FOR MAIL ROOM'S SUPERVISOR AND RESPONSIBLE STAFF CHARGED WITH FEDERAL VIOLATIONS AND D.R. PART 120 VIOLATIONS. TO BE REWARDED AND COMPENSATED FOR THESE MAIL VIOLATIONS. ALL LEGAL AND PRIVILEGE MAIL OPENED IN MY PRESENCE.

☐ Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.

Committed Person's Signature _____ ID# _____ Date _____

(Continue on reverse side if necessary)

Counselor's Response (if applicable)

Date Received: 7.30.07 ☒ Send directly to Grievance Officer ☐ Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277

Response: The examples you have shown here are NOT legal mail - Issue is NOT, no further action is warranted (mail from Clerk is not legal mail)

Signature: J. Scrogum **Print Counselor's Name:** J. Scrogum **Counselor's Signature:** [Signature] **Date of Response:** 7.30.07

EMERGENCY REVIEW

Date Received: 7.30.07 **Is this determined to be an emergency nature?** Yes; expedite emergency grievance ☐ No; an emergency is not substantiated. Committed person should submit this grievance in the normal manner.

Chief Administrative Officer's Signature: _____ **Date:** _____

COMMITTED PERSON'S GRIEVANCE (Continued)

mail. Evidently, the mailroom's staff and supervisor are in violation of Federal laws, local laws, and D.R. PART 120; (120.100 Violation of Rules), (120.80 Conflicts of interest), (120.40 Compliance with laws and Regulations (a) + (c)), (120.15 Responsibilities (a)), and (D.R. 525.110 (h) + (i) of 3) of I.D.O.C.

Note: (3) Exhibit Attachments (EX.A) (EX.I) (EX.II)

NOTE: STATE "w/ of Claims" OPENED WITHOUT Presence.

See: DEPARTMENTAL RULES [D.R. 525.110 (h) and (h of 3)] EX

ON 7/24/6


% Lindsay # 5446

gave me the
Privilege and
Legal Mail

Opened

CLERK OF THE U.S. DISTRICT COURT
UNITED STATES COURT HOUSE
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604

Jennaine Walker
B-52757
Pontiac - PON
P.O. Box 99
Pontiac, IL 61764

[illegible]

06/29/2006 From

mailed from
US POST

**STATE OF ILLINOIS
COURT OF CLAIMS
630 S. COLLEGE
SPRINGFIELD, IL 62756**

**STATE OF ILLINOIS
COURT OF CLAIMS**

SPRINGFIELD, IL 62756

5/30/07
see receipt

Jermaine Walker, No. B5275
Stateville Correction Center
P.O. Box 112
Joliet, Illinois 60434-0112

RA 10



049JB
\$00
05/24
Mailed From
US PO

049JB
\$00
05/24
Mailed From
US PO

EX.1i

NOTE: STATE "Court of Claims" LEGAL MAIL Receipt.

NOTE: 5/24/07 "Court of Claims" posted mark envelope OPENED
IN MY PRESENCE

LEGAL MAIL RECEIPT

() PACKAGE

STATEVILLE CORRECTIONAL CENTER, JOLIET, IL 60434

RESIDENT J. Walker REGISTER NO. B52757 LOCATION RA 105

FROM MAIL OFFICE

DATE 5-29-07 RE-ROUTE

LEGAL MAIL FROM: Crt of Claims - Spr.

SIGNATURES:

OFFICER HANDING OUT LEGAL MAIL

DATE

5-30-07

INMATE RECEIVING LEGAL MAIL

DATE

() CERTIFIED

() EXPRESS

() FED EX

() UPS


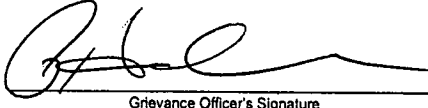
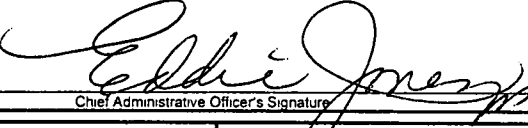
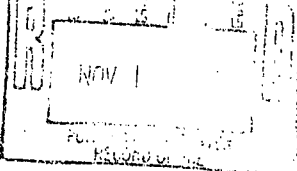
() DELIVERY CONFIRMATION

Jer

PLEASE RETURN THIS FORM TO THE MAIL OFFICE. THANK YOU.

IL 426-9289
DCA-16174

ATTACHMENT A4

GRIEVANCE OFFICER'S REPORT		
Date Received: <u>September 10, 2007</u>	Date of Review: <u>October 30, 2007</u>	Grievance # (optional): <u>045971</u>
Committed Person: <u>Jermaine Walker</u>		ID#: <u>B-52757</u>
Nature of Grievance: <u>Staff Conduct</u>		
<p>Facts Reviewed: Offender grieves on 09-04-07 receiving a legal manila envelope postmarked 08-29-07 and the weight was ninety seven cents (\$0.97) postage paid. Enclosed in the envelope was only four (4) sheets of paper. Grievant alleges "basically somewhere starting from the Mailroom to ECH cage I'm missing more documents for paid postage proves more enclosures then four (4) sheets of paper".</p> <p>Counselor's response indicates there is no proof you are missing any paperwork. The large envelopes cost more to mail than a regular size envelope, some are a heavier weight than others.</p> <p>This Grievance Officer reviewed the above correspondence and basically concurs with the response of the counselor. Grievant bases his complaint on own claim and personal opinion without tangible proof as to the allegation. Offender provides no proof other than his opinion that more forms were enclosed in the envelope due to the postage charged on the envelope itself. This Grievance is denied based on a lack of validity on behalf of the Grievant. No evidence of staff misconduct can be found by this Grievance Officer.</p>		
<p>Recommendation: Based upon a total review of all available information, it is the recommendation of this Grievance Officer that the offender's grievance be DENIED as he fails to substantiate his allegations of staff misconduct in the contents of the grievance.</p>		
 Print Grievance Officer's Name		 Grievance Officer's Signature
(Attach a copy of Committed Person's Grievance, including counselor's response if applicable)		
Chief Administrative Officer's Response		
Date Received: <u>10-31-07</u>	<input checked="" type="checkbox"/> I concur	<input type="checkbox"/> I do not concur <input type="checkbox"/> Remand
Comments:		
 Chief Administrative Officer's Signature		 <u>10-31-07</u> Date
Committed Person's Appeal To The Director		
<p>I am appealing the Chief Administrative Officer's decision to the Director. I understand this appeal must be submitted within 30 days after the date of the Chief Administrative Officer's decision to the Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277. (Attach a complete copy of the original grievance, including the counselor's response, if applicable, and any pertinent documents.)</p>		
Committed Person's Signature	ID#	Date

ILLINOIS DEPARTMENT OF CORRECTIONS
COMMITTED PERSON'S GRIEVANCE

045971

Date: 9/4/07	Committed Person: (Please Print) Jermaine Walker	ID#: B52757
Present Facility: PONTIAC C.C.	Facility where grievance issue occurred: PONTIAC C.C.	
NATURE OF GRIEVANCE:		
<input type="checkbox"/> Personal Property	<input checked="" type="checkbox"/> Mail Handling	<input type="checkbox"/> Restoration of Good Time
<input checked="" type="checkbox"/> Staff Conduct	<input type="checkbox"/> Dietary	<input type="checkbox"/> Medical Treatment
<input type="checkbox"/> Transfer Denial by Facility	<input type="checkbox"/> Transfer Denial by Transfer Coordinator	<input checked="" type="checkbox"/> Other (specify): LEGAL DOCUMENTS
<input type="checkbox"/> Disciplinary Report: _____ Date of Report _____ Facility where issued _____		
Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.		
Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.		
Brief Summary of Grievance: On the above date, I received a legal mailer envelope, from U.S. District Court, Northern District of Illinois. Evidently, the post-marked was (8/24/07) and weight of enclosures is (\$.97) postage paid.		
Realistically, this C/O (Miloski # 3243) gave me this mail opened, and he was made aware of the amount of postage because I was only in receipt of 4 sheet of papers: clive (1) cover sheet, (1) instructional sheet, and a (2) page docket entry of Statement filed (8/28/07). Basically, somewhere starting from the Mailroom up to ECH'S cage, I'm missing more documents, for paid postage purchase more enclosures than 4 sheets of paper. SEE EXA		
Relief Requested: FOR ALL RESPONSIBLE PARTIES PUNISHED FOR CARELESS AND RECKLESS MAIL HANDLING. FOR ALL MISSING ENCLOSURES RETURNED IMMEDIATELY.		
<input type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.		
Committed Person's Signature _____ (Continue on reverse side if necessary)		

Date Received: 9, 7, 07	Counselor's Response (If applicable)
<input checked="" type="checkbox"/> Send directly to Grievance Officer	<input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277
Response: There is no proof you are missing any paperwork. The large envelopes cost more to mail than a regular size envelope, some are a heavier weight than others.	
J Grageit Print Counselor's Name	J Grageit Counselor's Signature
	9, 7, 07 Date of Response

EMERGENCY REVIEW	
Date Received: _____	Is this determined to be of an emergency nature?
	<input type="checkbox"/> Yes; expedite emergency grievance
	<input type="checkbox"/> No; an emergency is not substantiated. Committed person should submit this grievance in the normal manner.
Chief Administrative Officer's Signature _____	Date _____

ILLINOIS DEPARTMENT OF CORRECTIONS
C COMMITTED PERSON'S GRIEVANCE (Conti d)

Handwritten text is present on the lined form, including:

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3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]

8. [Illegible]

9. [Illegible]

10. [Illegible]

11. [Illegible]

12. [Illegible]

13. [Illegible]

14. [Illegible]

15. [Illegible]

16. [Illegible]

17. [Illegible]

18. [Illegible]

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23. [Illegible]

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30. [Illegible]

31. [Illegible]

32. [Illegible]

33. [Illegible]

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35. [Illegible]

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97. [Illegible]

98. [Illegible]

99. [Illegible]

100. [Illegible]

OFFICE OF
CLERK OF THE U.S. DISTRICT COURT
UNITED STATES COURTHOUSE
CHICAGO, IL 60604
OFFICIAL BUSINESS



049J82032773

\$00.970

08/29/2007

Mailed From 60604
US POSTAGE

EX.A

Jermaine Walker
B-52757
Pontiac - PON
P.O. Box 99
Pontiac, IL 61764

8-620
RECEIVED 8/14/07

(4) ENCLOSURES INSIDE

- 1.) Address sheet (1 page)
- 2.) Court Docket Statement (2 pages)
- 3.) INSTRUCTIONAL Guideline (1 page)
- 4.) Total pages (4) sheets only

45971

ATTACHMENT A5

GRIEVANCE OFFICER'S REPORT

Date Received: September 24, 2007

Date of Review: October 26, 2007

Grievance # (optional): 046070

Committed Person: Jermaine Walker

ID#: B-52757

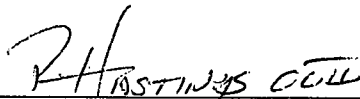
Nature of Grievance: Mail Handling

Facts Reviewed: Offender grieves his mail is being delivered to him extremely late. He alleges on 09-10-07 receiving a letter from the U.S. District Court and the postmark was 08-31-07. Grievant alleges 'evidently this is tampering with first class mail for my court documents are held for a total of ten (10) days before I receive my legal documents'. "So, this is mail handling misconduct".

Counselor's response indicates per Mailroom Supervisor, mail is processed as quickly as possible.

This Grievance Officer reviewed the above correspondence and basically concurs with response of the counselor. This Officer determines the Offender does not realize that any and all mail, before delivery to this facility, is subjected to processing by various distribution points. This Officer considers the allegations of the Grievant to be rather inane for indicating the facility Mailroom is to blame for the lateness of his mail without taking into account the outside mitigating factors involved. This Grievance Officer sees no evidence of mishandling by this facility's Mailroom nor staff members and denies the grievance for a lack of validity on behalf of the offender.

Recommendation: Based upon a total review of all available information, it is the recommendation of this Grievance Officer that the offender's grievance be DENIED as he fails to substantiate his allegation of mail mishandling by this facility's staff.



Print Grievance Officer's Name



Grievance Officer's Signature

(Attach a copy of Committed Person's Grievance, including counselor's response if applicable)

CHIEF ADMINISTRATIVE OFFICER'S RESPONSE

Date Received: 10-31-07

☒ I concur☐ I do not concur☐ Remand

Comments:



Chief Administrative Officer's Signature

10-31-07

Date

COMMITTED PERSON'S APPEAL TO THE DIRECTOR

I am appealing the Chief Administrative Officer's decision to the Director. I understand this appeal must be submitted within 30 days after the date of the Chief Administrative Officer's decision to the Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277. (Attach a complete copy of the original grievance, including the counselor's response, if applicable, and any pertinent documents.)

Committed Person's Signature

ID#

Date

Date: SEPT. 10. 2007	Committed Person: (Please Print) JERMAINE WALKER	ID#: B52757
Present Facility: PONTIAC C.C.	Facility where grievance issue occurred: PONTIAC C.C.	
NATURE OF GRIEVANCE:		
<input type="checkbox"/> Personal Property	<input checked="" type="checkbox"/> Mail Handling	<input type="checkbox"/> Restoration of Good Time
<input checked="" type="checkbox"/> Staff Conduct	<input type="checkbox"/> Dietary	<input type="checkbox"/> Medical Treatment
<input type="checkbox"/> Transfer Denial by Facility	<input type="checkbox"/> Transfer Denial by Transfer Coordinator	<input checked="" type="checkbox"/> Other (specify): DELAYED COURT MAIL
<input type="checkbox"/> Disciplinary Report: _____ Date of Report: _____ Facility where issued: _____		
Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.		
Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.		
Brief Summary of Grievance: on 9/10/07, this (% Hyslop # 7958) gave me a letter from "U.S. District Court, 219 S. Dearborn St., Chicago, Ill. 60604," and the post marked date was (8/31/07).		
Evidently, this is tampering with first class mail, for my courts documents are held for a total of 10 days before I receive my legal documents		
so therefore, this is mail handling misconduct.		
*See (EX.A envelope)		
Relief Requested: FOR THESE RESPONSIBLE MAIL HANDLERS PENALIZED FOR THESE MAIL HANDLING MISCONDUCT IMMEDIATELY. FOR ALL MY LEGAL CORRESPONDENCE PROCESSED PROMPTLY AS PRIORITY MAIL.		
<input type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious and irreparable harm to self.		
Committed Person's Signature _____		Date _____
(Continue on reverse side if necessary)		

Date Received: 9.13.07		Counselor's Response (if applicable)
<input checked="" type="checkbox"/> Send directly to Grievance Officer	<input type="checkbox"/> Outside this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277	
Response: Per mail room supervisor, the mail is processed as quickly as possible		
J Gragert Print Counselor's Name		9.13.07 Counselor's Signature Date of Response

EMERGENCY REVIEW	
Date Received: _____	Is this determined to be of an emergency nature?
<input type="checkbox"/> Yes; expedite emergency grievance	
<input type="checkbox"/> No; an emergency is not substantiated. Committed person should submit this grievance in the normal manner.	
Chief Administrative Officer's Signature _____	Date _____

ILLINOIS DEPARTMENT OF CORRECTIONS
COMMITTED PERSON'S GRIEVANCE (Continued)

Handwritten notes and a circular stamp are visible on the lined paper.

Handwritten notes include:

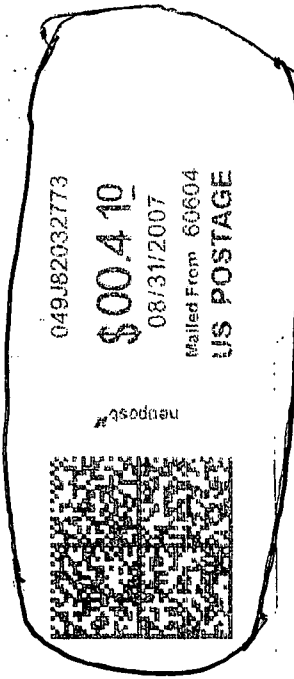
- 1.0
- 1.1
- 1.2
- 1.3
- 1.4
- 1.5
- 1.6
- 1.7
- 1.8
- 1.9
- 2.0
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- 9.3
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- 9.6
- 9.7
- 9.8
- 9.9

Circular stamp: ILLINOIS DEPARTMENT OF CORRECTIONS

NOTE: (8/31/07)
POST MARKED DATE

See: 525.120(a) PROCESS
VIOLATION.

ENCLOSURE: (2) pages of
Latest Docket Entry for
(NO. 07 C 3083), Request
of sum.



Jermaine Walker
B-52757
P.O. Box 99
Pontiac, IL 61764

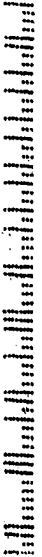
046070

C607

OFFICE OF
CLERK OF THE U.S. DISTRICT COURT
PRISONER CORRESPONDENCE
UNITED STATES COURT HOUSE
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604

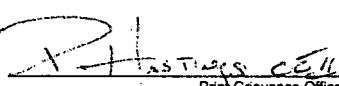
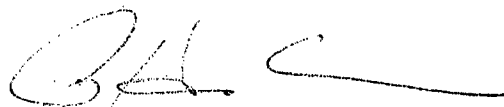
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300


EX.A



61764+0093

ATTACHMENT A6

Grievance Officer's Report		
Date Received: <u>November 5, 2007</u>	Date of Review: <u>January 3, 2008</u>	Grievance # (optional): <u>046304</u>
Committed Person: <u>Jermaine Walker</u>		ID#: <u>B-52757</u>
Nature of Grievance: <u>Staff Conduct/property</u>		
<p>Facts Reviewed: Offender grieves on 10-26-07 "I only received half of my paid certified copies from the Court of Laims, Northern District of Illinois which I paid \$42.00 for these specific copies". "Evidently, Personal Property is responsible for holding these certified court copies for they were stamped and mailed on 10-16-07 and I received on the above date these three certified booklets sealed and stapled inside a brown paper bag". "Furthermore I'm not in receipt of correct requested order form (#0907-44) which is missing the initial mailing envelope. specific requested letter, complaint #27 and complete docket entries paid certified copies for case (#07cv3083) in Federal Court of Claims).</p> <p>Counselor's response indicates per personal property records, you received a package from US District Court, Chicago on 10-22-07. Everything that came in was given to you.</p> <p>This Grievance Officer reviewed the above correspondence and contacted Property Officer C/O Merkens. C/O Merkens verified through the (Shakedown of Incoming/Outgoing Property/Mail) log made available to this Officer that on 10-22-07 Property received legal mail for the Grievant from Clerk of US District Court from Chicago, Illinois. C/O Merkens indicated the mail was open for inspection as per 20 Ill. Adm Code Section 525.140 (Incoming Mail). The contents was inspected and sent intact to the Offender.</p> <p>This Grievance Officer reviewed 20 Ill. Adm. Code Section 525.140 which indicates that all incoming non-privileged mail, including mail from clerks of courts shall be opened and inspected for contraband. Based upon all available information and documentation this Officer sees no sign of misconduct by staff as proper procedure was followed in the implementation of checking incoming mail.</p>		
<p>Recommendation: Based upon a total review of all available information, it is the recommendation of this Grievance Officer that the offender's grievance be denied as he fails to substantiate his allegations of misconduct by staff in the contents of the grievance.</p>		
 Print Grievance Officer's Name	 Grievance Officer's Signature	
(Attach a copy of Committed Person's Grievance, including counselor's response if applicable)		

Chief Administrative Officer's Response		
Date Received: <u>1-14-08</u>	<input checked="" type="checkbox"/> I concur	<input type="checkbox"/> I do not concur
<div style="display: flex; justify-content: space-between;"> Comments: IAN </div>		
 Chief Administrative Officer's Signature		<u>1-14-08</u> Date

Committed Person's Appeal To The Director		
<p>I am appealing the Chief Administrative Officer's decision to the Director. I understand this appeal must be submitted within 30 days after the date of the Chief Administrative Officer's decision to the Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277. (Attach a complete copy of the original grievance, including the counselor's response, if applicable, and any pertinent documents.)</p>		
Committed Person's Signature	ID#	Date

Date: OCT 26, 2007	Committed Person: JERMAINE WALKER <small>(Please Print)</small>	ID#: B52757
Present Facility: PONTIAC C.C.	Facility where grievance issue occurred: PONTIAC C.C.	

NATURE OF GRIEVANCE:

<input checked="" type="checkbox"/> Personal Property	<input checked="" type="checkbox"/> Mail Handling	<input type="checkbox"/> Restoration of Good Time	<input type="checkbox"/> Disability
<input checked="" type="checkbox"/> Staff Conduct	<input type="checkbox"/> Dietary	<input type="checkbox"/> Medical Treatment	<input checked="" type="checkbox"/> Other (specify): CERTIFIED LEGAL MAIL
<input type="checkbox"/> Transfer Denial by Facility	<input type="checkbox"/> Transfer Denial by Transfer Coordinator		

☐ Disciplinary Report: _____
Date of Report Facility where issued

Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.

Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to:
 Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board.
 Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor.
 Chief Administrative Officer, only if EMERGENCY grievance.
 Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.

Brief Summary of Grievance: *On 10/26/07, I only received half my paid requested certified copies from Court of Claims, Northern District of Illinois which I paid (\$42.00) for these specific copies. Evidently, Personal Property is responsible for holding these Certified Court copies, for they were stamped and mailed on (10/16/07), and I received on the above date, three (3) Certified booklets sealed and stapled inside a brown paper bag by % GOWAN #5229 on 1st shift. Furthermore, I'm not in receipt of correct requested order form (#0907-44), which is missing the initial mailing envelope, (COURT. OVER)*

Relief Requested: *FOR THESE RESPONSIBLE OFFICIALS CHARGED WITH FULL PENALTIES FOR OBSTRUCTING COURT DEADLINES, AND ILLEGALLY HOLDING CERTIFIED COURT MAIL FOR 10 DAYS. FOR ALL PAID DOCUMENTS REFUNDED IN ACCORDANCE, REQUEST RECEIPT (#0907-44, \$42.00)*

☐ Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.

Committed Person's Signature _____ ID# _____ Date _____
(Continue on reverse side if necessary)

Counselor's Response (if applicable)	
Date Received: 10, 31, 07	<input checked="" type="checkbox"/> Send directly to Grievance Officer <input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62784-9277
Response: <i>Per personal property records, you received a pkg from US Dist Court, Chicago on 10-22-07. Everything that came in was given to you.</i>	
<i>J Gragent</i> Print Counselor's Name	<i>J B G A</i> Counselor's Signature
Date of Response: 10, 31, 07	

EMERGENCY REVIEW	
Date Received: _____	Is this determined to be of an emergency nature? <input type="checkbox"/> Yes; expedite emergency grievance <input checked="" type="checkbox"/> No; an emergency is not substantiated. Committed person should submit this grievance in the normal manner.
NOV 5 2007	
Pontiac Corr. Ctr. Grievance Off.	
Chief Administrative Officer's Signature _____	Date _____

specific requested letter, complaint #27 and complete docket entries
and certified copies for case (NO. 07 CV 3083), in the Federal
Court of Claims.

SEE: Attachment EX.X and EX.Y

- * (EX.X) Specific Certified copy request letter
- * (EX.Y) Request No. (0907-44) receipt

NO. 07 CV 3083
FEDERAL COURT OF CLAIMS

Sept. 17, 2007

EX.X

RETURN REQUESTED RECEIPTS

Certified Copies Desk
U.S. District Court
219 S. Dearborn St.
Chicago, Ill. 60604

046304

RECEIVED

SEP 25 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Dear Certified Copies Desk:

RE: 07-CV-03083

HON. JUDGE BUCKLO

I'm the plaintiff in the above entitled cause. I am requesting certified copies of the following filings:

- A.) Motion for Summary Judgment, mailed 9/11/07 → "MISSING"
- B.) Motion for Additional Evidence, mailed 9/11/07 (23 ct) RECEIVED
- C.) Attached Exhibits, mailed 9/11/07 → "MISSING"
- D.) (Document #27) Second Amended Complaint → "MISSING"
- E.) (Document #28) Exhibit Contents (41 ct) RECEIVED
- F.) (Document #29) Additional Exhibit contents (34 ct) RECEIVED
- G.) Complete Civil Docket Entries → "MISSING"

In closing, please return a copy of this letter and envelope after "stamped as received" to confirm your receipt, include the above requested documents. Please forward this request to my present address. THANK YOU!

Very truly yours,
Jermaine Walker
Jermaine Walker (B52757)

EX.Y

UNITED STATES DISTRICT COURT
UNITED STATES COURTHOUSE
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604

MICHAEL W. DOBBINS
CLERK

OFFICE OF THE CLERK
CERTIFIED COPY DESK
312-435-5699

September 25, 2007

Request No.: 0907-44

In Re: 07CV3083

The total cost of the service you requested is: \$42.00
This cost includes:

84 Photocopies @ \$.50 per page

	\$42.00
Total:	\$42.00

046304

Please make your remittance in the form of check or money order, indicating the request number above, and made payable to: Clerk, United States District Court. **Do not send cash.** Please return this form with your check.

Sincerely yours,

By: David Jozwiak

Deputy Clerk

INMATE PERSONAL PROPERTY

SHAKEDOWN OF INCOMING/OUTGOING PROPERTY/MAIL

Date	Inmate Name	Inmate #	Description of Items	Mailing Address To/From	Type S/D	Shook down by	Disposition Comment
10-22-01	Borne	R40204	1-prayer rug 1-booklet	Americantrab Message 4045 W 13 Mi			
10-22-01	Valderrama	K74503	1-puzzle 1-invoice	Royal Oak MI 48073 Puzzle House PO Box 2104	3	Mehnkens	OK
10-22-01	Walker	B92757	misc-legal	Peterborough NH 03458 Clerk US District Court United States Courthouse Chgo IL 60604	3	Mehnkens	OK
10-22-01	Allen	R46535	2-books 1-invoice	Tru Life Publishing PO Box 21224 Brooklyn NY 11201	3	Mehnkens	OK
10-22-01	Gutierrez	R57154	1-bible	Challiothe Bible Church 4341 West Moffitt Challiothe IL 61523	3	Mehnkens	OK
10-22-01	Anderson	A04246	2-books 1-letter 1-ppamphlet	Books to Prisoners 92 Pike St Box A Seattle WA 98101	3	Mehnkens	OK
10-22-01	Vines	B64783	23-photos 1-letter	Kelly Bowen 6120 S. Elm St Burr Ridge IL 60527	3	Mehnkens	OK

EXHIBIT B

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

AFFIDAVIT

I, MELODY J. FORD, being first duly sworn upon oath, state that I have personal knowledge of the facts set forth herein, that I am competent to testify and if called to testify would state as follows:

1. I am a Chairperson with the Office of Inmate Issues for the Illinois Department of Corrections ("the Department") and have held this position since August 1, 2001. I have been employed by the Department in various capacities since June 1993. As an Administrative Review Board ("ARB") Chairperson, my duties involve, among other things, review and respond to grievances filed by Department inmates in the manner set forth herein.
2. Inmates incarcerated within the Department may file grievances in accordance with Department Rule 504F: Grievance Procedures for Committed Persons. Generally, an inmate must first attempt to resolve grievances through his counselor. If the grieved issue remains unresolved after such informal efforts, or for example, involves a disciplinary proceeding, the inmate may submit a written grievance on a grievance form to the facility Grievance Officer designated by the Chief Administrative Officer ("CAO"). The Grievance Officer may personally interview the inmate and/or other witnesses as deemed appropriate and obtain relevant documents to determine the merits of the inmate's grievance. Upon completion of such investigation, the Grievance Officer's conclusions and if appropriate, recommended relief is forwarded to the CAO. The CAO, or CAO's designee's, decision is then submitted to the grieving inmate.

3. If, after receiving the CAO's decision the inmate feels the issue is unresolved, he may appeal in writing to the Director of the Department by submitting the Grievance Officer's report and CAO's decision. The ARB, as the Director's designee, reviews the appeal and first determines whether the inmate's grievance can be handled without the necessity of a hearing. If so, the inmate is so advised. Other matters are scheduled for an ARB hearing involving an interview of the grieving inmate, examining relevant documents and at the ARB's discretion, calling witnesses. The ARB submits a written report of its findings and recommendations to the Director or Director's designee who then reviews the report and makes a final determination on the grievance. A copy of the ARB's report and the Director's final decision is sent to the inmate who filed the grievance. The originals of these documents are maintained in the ARB's files. Department Rule 504F: Grievance Procedures for Committed Person provides no further means for review beyond this step.
4. Certain issues may be grievance directly to the ARB, rather than first through a counselor or grievance officer. These issues include:
 - a. Decisions involving the involuntary administration of psychotropic medication;
 - b. Decisions regarding protective custody placement, including continued placement in or release from protective custody;
 - c. Decisions regarding disciplinary proceedings which were made at a facility other than the facility where the inmate is currently assigned; and
 - d. Other issues except personal property issues which pertain to a facility other than the facility where the inmate is currently assigned.

These grievances are then handled in accordance with the procedures described in paragraph 3 above.

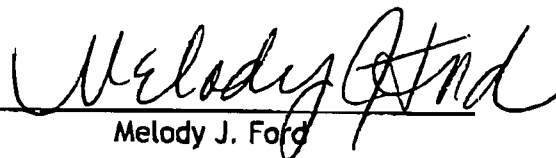
5. An inmate may request a grievance be handled on an emergency basis by forwarding the grievance directly to the CAO rather than to a counselor or grievance officer. If the CAO

determines that there is a substantial risk of imminent personal injury or other serious or irreparable harm to the inmate, the grievance may be handled on an emergency basis. An inmate may appeal the CAO's decision in such a situation to the ARB. The appeal is then handled in accordance with the procedure described in paragraph 3 above.

6. The grievance procedure may not be utilized for complaints regarding decisions which are outside the Department's authority such as parole decisions, clemency or orders regarding the length of sentences or decisions which have been reviewed by the Director.
7. At the request of the Attorney General's Office, I have searched the ARB's records in regard to Offender Jermaine Walker, Register Number B52757. ARB records indicate this office has not processed a grievance regarding interference nor a delay of handling legal mail at either Stateville or Pontiac Correctional Center from 2007 to the present.

I have read the foregoing and affirm that the facts contained herein are true and correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NOT.


Melody J. Ford

SUBSCRIBED AND SWORN TO
before me on the date of June 26, 2008.


NOTARY PUBLIC

